

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1944
ANSWERED ON:03.08.2000
RETIREMENT AGE OF JUDICIAL OFFICER
RASHID ALVI;VARKALA RADHAKRISHNAN

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) whether the Supreme Court in a recent judgement has advised the Government to retain in service of only the useful judicial and other Government employees;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the present criteria for the increasing the superannuation age for Judicial officers proposed to be changed;
- (d) if so, the details thereof; and
- (e) the time by which the proposed changes are likely to be enforced?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND THE MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY):

(a) Yes, Sir.

(b) The Supreme Court of India, vide its judgement of June 26, 2000. in Writ Petition (Civil) No. 376 of 2000 in Ramesh Chandra Acharya Vs. Registrar, High Court of Orissa, Cuttack & ANR, held that Constitution beyond 58 years is permissible only when the High Court makes a positive recommendation in favour of that officer for such continuation. Otherwise, the judicial officer has to retire at the age of 58 years. This can be departed from only when the State makes specific rule otherwise. The Supreme Court directed that the High Court / Tribunals / other Authorities may decide the cases by following the judgement and may also communicate the decision to the Subordinate Courts / other authorities and direct them to take action accordingly.

(c) to (e) No proposal to increase the superannuation age of judicial officers is under the consideration of the Union Government, at present. However, the criteria for increasing the superannuation age for judicial officers is fixed by the High Courts in consultation with the respective State Governments.